

BEFORE THE
Federal Communications Commission

WASHINGTON, D.C.

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)	
)	
Amendment of Section 73.202(b),)	MM Docket No. 98-128
Table of Allotments,)	RM-9308
FM Broadcast Stations.)	
(Crystal Falls, Michigan))	

To: Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau

COMMENTS OF CRYSTAL RADIO COMPANY

Crystal Radio Company ("Crystal"), by its attorneys and pursuant to Section 1.420 of the Commission's Rules, hereby comments on the above-referenced Notice of Proposed Rulemaking to allot Channel 244A to Crystal Falls, Michigan. As shown below, Crystal believes it would better serve the public interest to allot Channel 244A to Republic, Michigan as a first full-time aural reception service for the Republic community. This counterproposal is mutually exclusive with the proposal by Results Broadcasting of Iron Mountain, Inc., and therefore Republic could not receive a first full time local aural service if the channel were allotted to Crystal Falls.

DISCUSSION

Under the Commission's allotment criteria, priority for service should be set forth in the following order: (1) first full-time aural reception service; (2) second full-time aural reception service; (3) first local transmission service; and (4) other public interest factors. Amendment of the Commission's Rules Regarding Modification of FM and TV Authorizations to Specify a

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New Community of License, 4 FCC Rcd 4870, 4873 (1989), reconsideration granted in part, 5 FCC Rcd 7094 (1990).

If Channel 244A were allotted to Crystal Falls, which has a population of 1922,¹ it would be as that community's second local transmission service. WOBE(FM), of which Crystal is the permittee, is also allotted to Crystal Falls. Allotting the channel to Republic, however, would allow a first local aural service to be provided to a community with 1100 people.² Republic easily qualifies as a local community for allotment purposes. It is a township that is governed by a five-person Board of Directors. There is a community center that serves as the town hall, and there are plans to add a youth center and senior citizens center. Republic also has a police department, volunteer fire department, water department, post office, library and school, as well as numerous local businesses and churches. Because Republic is clearly a community under Commission guidelines, allotting Channel 244A to Republic would serve a higher Commission priority -- first local service, then if the channel remained as a second service in Crystal Falls.

As shown in the Engineering Statement attached hereto, Channel 244A can be allotted to Republic at the community's nominal reference points in compliance with the Commission's city-grade coverage requirements. In addition, should Channel 244A be allotted to Republic, Crystal will file an application to construct an FM station on the channel and will promptly construct such station if the application is granted.

¹Based on the population statistics provided by the 1990 United States Census Report.

²Based on the population statistics provided by the 1990 United States Census Report.

Because the allotment of Channel 244A to Republic furthers the Commission's allotment policy and Section 307(b) of the Communications Act, as amended, the public interest would be best served by adopting Crystal's counterproposal.

CONCLUSION

For the reasons stated herein, Crystal Radio Company respectfully requests that the Commission allot Channel 244A to Republic, Michigan, thereby dismissing the proposal filed by Results Broadcasting of Iron Mountain, Inc.

Respectfully submitted,

CRYSTAL FALLS RADIO COMPANY

By: _____

David D. Oxenford
Jason S. Roberts

Its Attorneys

FISHER WAYLAND COOPER LEADER
& ZARAGOZA L.L.P.
2001 Pennsylvania Avenue, N.W.
Suite 400
Washington, D.C. 20006
(202) 659-3494

Dated: September 8, 1998

APPENDIX 1

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON, D.C. 20054

ENGINEERING STATEMENT

IN THE MATTER OF:) MM DOCKET NO: 98-128

AMENDMENT OF SECTION 73.202(B),) RM-9308
TABLE OF ASSIGNMENTS,)
F.M. BROADCAST STATIONS;)
(CRYSTAL FALLS &)
(REPUBLIC, MICHIGAN))

TO: CHEIF, ALLOCATIONS BRANCH,
POLICY AND RULES DIVISION,
MASS MEDIA BUREAU.

PREPARED FOR:

CRYSTAL RADIO COMPANY

SEPTEMBER 02, 1998

PREPARED BY:

**MICHAEL A. BROWN
ASSISTANT TECHNICAL CONSULTANT
PACER TECHNICAL SERVICE, INC.
2450 CROOKS AVE.
KAUKAUNA, WISCONSIN 54130**

(920) 766-0300

APPLICANT: Crystal Radio Company
Counterproposal to PRM
Crystal Falls & Republic, MI

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Prepared 09/02/98

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REPUBLIC, MICHIGAN ILLUSTRATIVE SITE COORDINATES

TABLE OF CONTENTS; CONCLUDED

**STATE OF WISCONSIN)
COUNTY OF OUTAGAMIE)
VILLAGE OF LITTLE CHUTE)**

MICHAEL A. BROWN FIRST DULY SWORN STATES:

THAT HE IS AN EMPLOYEE OF LYLE R. EVANS, TECHNICAL CONSULTANT, WITH OFFICES AT 2450 CROOKS AVENUE, KAUKAUNA, WISCONSIN, 54130;

THAT HIS QUALIFICATIONS AS AN EXPERT IN ELECTRONIC COMMUNICATIONS ENGINEERING ARE A MATTER OF RECORD WITH LYLE R. EVANS;

THAT HE HAS ASSISTED IN THE PREPARATION OF NUMEROUS AM, FM, MICROWAVE RADIO, TELEVISION, AND TRANSLATOR APPLICATIONS WHICH HAVE BEEN PROCESSED TO GRANT BY THE FEDERAL COMMUNICATIONS COMMISSION;

THAT THE FOREGOING TECHNICAL REPORT WAS PREPARED BY HIM, AND ALL CALCULATIONS AND/OR MEASUREMENTS AND EXHIBITS IN THE ACCOMPANYING REPORT WERE MADE BY HIM PERSONALLY, AND THAT ALL FACTS CONTAINED HEREIN ARE TRUE OF HIS PERSONAL KNOWLEDGE OR BELIEF, AND ON SUCH STATEMENTS MADE ON BELIEF, THEY ARE BELIEVED TO BE TRUE AND CORRECT.

Michael A. Brown

MICHAEL A. BROWN, AFFIANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS 02'nd DAY OF SEPTEMBER, 1998

Say Van Zealand
NOTARY PUBLIC *Expires 7/14/02*

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20054

IN THE MATTER OF:) MM DOCKET NO: 98-128

AMENDMENT OF SECTION 73.202(B),) RM-9308
TABLE OF ASSIGNMENTS,)
FM BROADCAST STATIONS;)
(CRYSTAL FALLS &)
(REPUBLIC, MICHIGAN))

ENGINEERING STATEMENT

This Engineering Statement constitutes a "Counterproposal" to a Petition for Rule Making in Mass Media Docket Number 98-128 (RM-9308), to which this Statement is Appendix 1.

Lyle Robert Evans d/b/a Crystal Radio Company, the entity advancing said Counterproposal, retained the services of Michael A. Brown, Broadcast Consultant, to conduct engineering studies and prepare necessary Statements and Attachments to support the Counterproposal of Crystal Radio Company, to allot FM Channel 244C3 to Republic, Michigan.

The Commission, by action on July 08, 1998, adopted a NOTICE OF PROPOSED RULE MAKING, subsequently released: July 17, 1998, regarding Mass Media Docket Number: 98-128; Rule Making Number: 9308.

COUNTERPROPOSAL TO PETITION FOR RULE MAKING
AMENDMENT OF 47 C.F.R. §73.202(b); TABLE OF ALLOTMENTS
FM CHANNEL 244C3; MHz.
PROPONENT: CRYSTAL RADIO COMPANY

This "Notice" proposes amending the FM Table of Allotments,
Section 73.202(b) in the following manner:

<u>CITY:</u>	<u>EXISTING:</u>	<u>PROPOSED:</u>
Crystal Falls, Michigan	264C1	264C1; 244A

Crystal Radio Company proposes the following
COUNTERPROPOSAL in MM Docket Number: 98-128:

<u>CITY:</u>	<u>EXISTING:</u>	<u>PROPOSED:</u>
Crystal Falls, Michigan	264C1	264C1
Republic, Michigan	NONE	244C3

This Counterproposal is mutually exclusive with the
proposal by Results Broadcasting of Iron Mountain, Inc., and
therefore Republic, Michigan could not receive a first
full-time local aural reception service if the channel were
allotted to Crystal Falls, Michigan.

Crystal Radio Company believes it would better serve
the public interest to allot Channel 244C3 to Republic,
Michigan as a first full-time aural (FM) broadcast service for
the Community of Republic and vicinity.

FCC specified geographic coordinates for the
Community of Republic, Michigan are: 46°-24'-36" North

COUNTERPROPOSAL TO PETITION FOR RULE MAKING
AMENDMENT OF 47 C.F.R. §73.202(b); TABLE OF ALLOTMENTS
FM CHANNEL 244C3; MHz.
PROPONENT: CRYSTAL RADIO COMPANY

Latitude, 87°-58'-30" West Longitude. Attachment E-A to this Statement is an FM Channel 244C3 Distance Separation Study with these coordinates as base.

Attachment E-A displays allotment of Channel 244C3 at the Republic, Michigan Geographic Reference Coordinates "Short-Spaced" to the Licensed facilities WGLQ(FM) at Escanaba, Michigan; FCC File Number: BLH-820713AB.

Such short-spacing is in contravention with Minimum Distance Separation Requirements for FM allotments set forth in 47 Code of Federal Regulations §73.207.

To allot FM Channel 244C3 to Republic, Michigan, and comply with Minimum Distance Separation Requirements for FM Allotments, it is necessary to restrict the transmitter site of a Class C3 operation to a location approximately 11.50 kilometers (7.15 miles) distant, at a bearing of 284.5 degrees True from the Republic, Michigan Reference Coordinates.

Attachment E-B to this Statement, an FM Channel 244C3 Distance Separation Study with the illustrative, restricted transmitting antenna coordinates; 46°-26'-09" North Latitude, 88°-07'-12" West Longitude, as base, evidences the proposed illustrative site in complete compliance with all Commission minimum distance separation requirements for FM

COUNTERPROPOSAL TO PETITION FOR RULE MAKING
AMENDMENT OF 47 C.F.R. §73.202(b); TABLE OF ALLOTMENTS
FM CHANNEL 244C3; MHz.
PROPONENT: CRYSTAL RADIO COMPANY

broadcast stations.

A typical full facility Class C3 operation (25.0 kW ERP, 100.0 meters HAAT) at this illustrative site shall provide the requisite 70 dBu (3.16 mV/m), "City Grade" signal to all Republic and beyond.

A grant of the Counterproposal (Petition for Rule Making), of which this Statement is Appendix 1, shall provide a first local aural (FM) broadcast service to Republic, Michigan and vicinity, fully consistent with all Commission Rules and Regulations.

CONCLUSION

The most recent applicable FCC Rules and Regulations have been used in the preparation of this Engineering Statement.

It is believed to conform to the Commission's Technical Standards.

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COUNTERPROPOSAL TO PETITION FOR RULE MAKING
AMENDMENT OF 47 C.F.R. §73.202(b); TABLE OF ALLOTMENTS
FM CHANNEL 297A; 107.3 MHz.
PROPONENT: CRYSTAL RADIO COMPANY

Respectfully submitted,

Michael A. Brown

Michael A. Brown
Broadcast Consultant to:
Crystal Radio Company

September 02, 1998

ENGINEERING STATEMENT; CONCLUDED.

ATTACHMENT E-A

FM CHANNEL 244C3 DISTANCE SEPERATION STUDY

LOCATION: POWERS, MICHIGAN
SERVICE: COMMERCIAL FM
CHANNEL: 244
FREQUENCY: 96.7 MHz.
ZONE: II
CLASS: C3
COORDINATES: 46°-24'-36" N.L., 87°-58'-30" W.L. (REFERENCE COORDINATES)
PROPONENT: CRYSTAL RADIO COMPANY
CALL SIGN: WOBE
FCC FILE NO: BPH-891010MF
DATE: SEPTEMBER 01, 1998

CALL STATUS	CITY STATE	FCC FILE	CHAN. FREQ.	ERP (KW) HAAT (M)	LATITUDE LONGITUDE	BEAR. (DEG.)	DIST. (KM.)	REQ. (KM.)
VACANT ALLOT	HOUGHTON MI		242C1 96.3	0.00 0.00	47-07-06 88-34-06	330.4	90.86 14.86	76.0 CLEAR
ADD	MCMILLAN MI RM-9214		244C3 96.7	0.00 0.00	46-20-24 85-41-12	91.7	176.24 23.24	153.0 CLEAR
WGLQ (FM) LIC	ESCANABA MI BLH-820713AB		246C 97.1	100.00 326.00	46-08-04 86-56-52	110.8	84.90 -11.10	96.0 SHORT

-----END FM CHANNEL 244C3 DISTANCE SEPERATION STUDY-----

ENGINEERING STATEMENT, ATTACHMENT E-A; CONCLUDED.

ATTACHMENT E-B

FM CHANNEL 244C3 DISTANCE SEPERATION STUDY

LOCATION: POWERS, MICHIGAN
SERVICE: COMMERCIAL FM
CHANNEL: 244
FREQUENCY: 96.7 MHz.
ZONE: II
CLASS: C3
COORDINATES: 46°-26'-09" N.L., 88°-07'-12" W.L. (ILLUSTRATIVE SITE COORDINATES)
PROponent: CRYSTAL RADIO COMPANY
CALL SIGN: WOBE
FCC FILE NO: BPH-891010MF
DATE: SEPTEMBER 01, 1998

CALL STATUS	CITY STATE	FCC FILE	CHAN. FREQ.	ERP (KW) HAAT (M)	LATITUDE LONGITUDE	BEAR. (DEG.)	DIST. (KM.)	REQ. (KM.)
VACANT ALLOT	HOUGHTON MI		242C1 96.3	0.00 0.00	47-07-06 88-34-06	335.9	83.24 7.24	76.0 CLEAR
ADD	MCMILLAN MI RM-9214		244C3 96.7	0.00 0.00	46-20-24 85-41-12	92.4	187.48 34.48	153.0 CLEAR
WGLQ (FM) LIC	ESCANABA MI BLH-820713AB		246C 97.1	100.00 326.00	46-08-04 86-56-52	110.0	96.35 0.35	96.0 CLEAR

-----END FM CHANNEL 244C3 DISTANCE SEPERATION STUDY-----

ENGINEERING STATEMENT, ATTACHMENT E-B; CONCLUDED.

CERTIFICATE OF SERVICE

I, Kimberly A. Lacey, do hereby certify that I have this 8th day of September 1998, mailed by first-class United States mail, postage prepaid, copies of the foregoing "**COMMENTS OF CRYSTAL RADIO COMPANY**" to the following:

John F. Garziglia
Pepper & Corazzini, L.L.P.
1776 K Street, N.W., Suite 200
Washington, D.C. 20006


Kimberly A. Lacey